

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.**

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In the Matter of

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Requests for Comment on  
Wireless E911 Phase I  
Implementation Delays

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CC Docket No. 94-102

TO: The Commission

**COMMENTS OF THE KING COUNTY E911 PROGRAM**

**I. Introduction**

The purpose of this letter is to provide comments in response to the Wireless Telecommunications Bureau request related to delays in the implementation of Phase I wireless Enhanced (E911) service. King County is a large county in Washington State with a population of 1.7 million people. The county includes the large urban city of Seattle, as well as suburban, rural, and mountainous areas. Wireless 911 calls are having an increasingly significant impact on our Enhanced 911 system, and currently approximately 300,000 wireless 911 calls, or 20% of the total 911 calls, are received annually.

As a result of this impact, we have been actively involved in tracking actions taken by the Commission related to wireless E911 service. In addition, our county is active at the state level in wireless E911 issues, and participated in the Washington State Department of Revenue study regarding wireless E911 funding. We also have worked closely with the wireless carriers who offer service within our county, and have been routing wireless 911 calls by cell sector for the

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past several years, with the provision of Automatic Number Identification (ANI) on these calls from two of the larger wireless carriers.

## **II. Phase I Implementation Delay Due to Washington State ANI Law**

Since the Commission's E911 First Report and Order, King County has been working with others within Washington State towards the implementation of Phase I service, and these efforts have been delayed for several reasons. One of the difficulties we have been dealing with in Washington State is the existence of a state law which was in effect prior to the Commission's E911 First Report and Order. This law requires wireless carriers to provide ANI to the PSAPs at no cost. This requirement was developed in 1994 through negotiations with the wireless carriers who offered service in the state at that time regarding a wireless E911 excise tax. The carriers argued that their subscribers should not have to pay an E911 excise tax at a rate equal to the wireline E911 tax rate because their customers did not receive full E911 service.

Technically, it was possible for their subscribers to only receive the ANI portion of E911 service at that time. The carriers proposed that their subscribers would only be charged an E911 excise tax at half the rate of wireline subscribers, and in exchange for the reduced tax rate, the wireless carriers would provide ANI to the PSAPs at no cost. The one-half excise tax which was collected by the counties was intended to offset the impact to the PSAPs of answering and handling wireless 911 calls. ANI was to have been provided to the PSAPs by the wireless carriers effective January 1, 1995.

To date, only the two wireless carriers who participated in these negotiations are providing ANI in some of the counties in which they offer service. The other wireless carriers

are not providing ANI service. After the Washington State law had been in effect for almost two years, the Commission issued the E911 First Report and Order for Phase I. The wireless carriers now argue that the Commission's Phase I requirement supercedes the Washington State ANI law, and they therefore do not have to comply with the Washington law. The counties and the state argue that the agreement in which the E911 wireless excise tax was established at half the rate of the wireline tax rate, in exchange for the provision of ANI at no cost, is a funding mechanism for the ANI portion of Phase I, and therefore does not conflict with the Commission's ruling. The counties would be willing to pay for the cell site location portion of Phase I. In addition, since ANI is part of Phase I, the counties and the state do not feel that there is a technical conflict between Washington State ANI and Phase I. To date, this issue remains unresolved in Washington State, and has been one of the factors which has delayed the implementation of Phase I service.

### **III. Phase I Implementation Delay Due to Lack of Wireless Carrier Cost Data**

Another major factor which has caused delays in the implementation of Phase I service is the inability and/or unwillingness of the wireless carriers to share actual cost data for providing Phase I service. As was noted in the Commission's June 9, 1999 request for a report, the Washington State legislature directed the State Department of Revenue to conduct a study in 1998 regarding the funding of wireless E911 service. The Department was directed to study various funding options, and recommend a funding mechanism to the legislature.

One of the tasks accomplished in the study was to identify the technical components of Phase I service. Basically, the components are: a software upgrade and routing database at the

wireless carrier Mobile Switching Center (MSC); network from the MSC to the E911 selective routers and database; the population of E911 databases with cell sector specific information which would direct the routing of the 911 calls and the display of Phase I information at the PSAP; and administrative costs related to database maintenance, the routing of 911 calls, establishing contracts with counties, and the collection and remittance of the E911 excise tax. None of these costs, except possibly the size of the network path between the MSC and the E911 selective router, is driven by the number of subscribers. Yet, when we extensively worked with the wireless carriers to obtain cost data related to the technical components of Phase I service, and offered confidentiality protection of the cost data, the only information the carriers provided were per subscriber rates. Many carriers stated that they have developed these rates on a national basis, and could not provide cost data specific to Washington State. In addition, the rates proposed by the carriers exceeded the cost of wireline E911 service, which involves much more extensive networking from telephone company central offices to the E911 selective router and from the E911 selective router to the PSAPs, database service per subscriber, and E911 selective routing services.

Without actual cost data, the Department of Revenue was unable to recommend a rate for a funding mechanism to the State Legislature. In addition, the governments in Washington State would be reluctant to impose 911 excise taxes based on per subscriber rates rather than on actual costs, or to expend taxpayer money without justification that the expenditure is based on actual costs within our own state. As a result of the carriers not providing actual cost data, our efforts at the State legislature earlier this year to establish a funding mechanism for wireless E911

service were unsuccessful, and we are therefore unable to proceed with the implementation of Phase I service.

#### **IV. No Delay Due to Phase I Technology Issues**

At this time, all of the PSAPs in Washington State are equipped with E911 equipment which is capable of receiving Phase I information. Wireless carriers will be required to interface to the existing E911 systems at the E911 selective routers, but other than this requirement, it appears that there are no issues related to the Phase I technology carriers may choose to utilize to provide this service.

#### **V. Request for Commission Clarification**

The King County E911 Program has previously filed comments with the Commission related to our involvement in evaluating and testing wireless Phase II service. It is apparent to us that this service is developing quickly and will soon be available. However, the implementation of Phase II service is contingent on the installation of the network between the wireless carrier MSC and the E911 selective router which is necessary for Phase I. We are concerned that the inability to resolve the above issues, which are causing delays in the implementation of Phase I, will also cause delays in our ability to provide Phase II location service to our citizens.

State and local governments are faced with the dilemma of needing to establish a funding mechanism for Phase I service. Without actual cost data from the wireless carriers, there is reluctance to impose excise taxes based on unsubstantiated per subscriber rates. We request assistance from the Commission to either require wireless carriers to disclose the actual costs of

providing Phase I service that are based on the technical components of this service, or to explore alternative cost recovery mechanisms.

## **VI. Closing**

Thank you for your attention and dedication to resolving issues related to the implementation of this important service. We look forward to further clarification of these issues by the Commission so that we may provide Phase I and Phase II wireless E911 service to our citizens.

Respectfully submitted,

KING COUNTY E911 PROGRAM

A handwritten signature in black ink that reads "Marlys R. Davis". The signature is written in a cursive, flowing style.

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